

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
DARRELL LAWRENCE,

Plaintiff,

**VERIFIED  
COMPLAINT**

- against -

THE CITY OF NEW YORK, SHANE ROGERS, MITCHELL  
GEIST, THOMAS FARRELL, KEVIN MORONEY, "JOHN"  
DREYER, WILLIAM CULLEN and "JOHN" NUGENT,

Defendants.  
-----X

Plaintiff, by KAFKO SCHNITZER, LLP, his attorneys, for his verified complaint  
herein, respectfully alleges:

**AS FOR THE FIRST CAUSE OF ACTION**  
**IN FAVOR OF PLAINTIFF DARRELL LAWRENCE**

1. That plaintiff has complied with all of the conditions precedent to the bringing of this action and more particularly on or about April 20, 2015 and within 90 days after the date of the occurrence hereinafter set forth, plaintiffs duly served a written notice of claim upon the City of New York, pursuant to law, said notice being verified by oath of plaintiff; that this action is brought within one year and ninety days after said occurrence; that more than 30 days have elapsed since service of said notice and said claim remains unadjusted.

2. That on October 20, 2012 plaintiff was properly and legally at his residence located at East 173rd Street and Topping Avenue, Bronx, NY.

15 NOV -4 PM 10:31  
COUNTY CLERK  
BRONX COUNTY

02/04/16

3. That on said date, defendant THE CITY OF NEW YORK, employed certain police officers at, upon information and belief, the 44<sup>th</sup> and 42nd police precincts, including the defendant Police Officers SHANE ROGERS, MITCHELL GEIST, THOMAS FARRELL, KEVIN MORONEY, "JOHN" DREYER, WILLIAM CULLEN and "JOHN" NUGENT.

4. At said time and place, plaintiff was properly conducting himself thereat.

5. As said time and place plaintiff was arrested and detained by said New York City Police Officers, without provocation, without just or probable cause and without plaintiff's consent thereto.

6. At said time and place, plaintiff was handcuffed, arrested, detained, jailed, transported to Central Booking, arraigned, charged, and thereupon transferred and imprisoned to Riker's Island until his release on February 3, 2015.

7. At said time and place, the defendant officers, detained and arrested plaintiff during scope and in the course of their employment for defendant THE CITY OF NEW YORK.

8. That plaintiff was charged with attempted murder for a shooting that allegedly took place on September 6, 2012 at approximately 12:09 A.M. in front of 1428 Webster Avenue, Bronx, New York, injuring a certain Richard Sanchez.

9. That plaintiff was caused to and did appear on numerous occasions in Supreme Court, Bronx County on charges of which he was wholly innocent.

10. That the defendant THE CITY OF NEW YORK, its agents and/or employees and defendants SHANE ROGERS, MITCHELL GEIST, THOMAS FARRELL, KEVIN MORONEY, "JOHN" DREYER, WILLIAM CULLEN and "JOHN"

NUGENT knew or should have known that the alleged identification and/or charges against plaintiff were false.

11. That on February 3, 2015, the aforesaid charges were totally dismissed, sealed by Honorable W. Mogulescu with the arrest and prosecution deemed a nully.

12. That the aforesaid detention, charges and imprisonment by defendants and its employees were unreasonable and without cause or probable cause.

13. That defendant THE CITY OF NEW YORK, its agents and/or employees and defendants SHANE ROGERS, MITCHELL GEIST, THOMAS FARRELL, KEVIN MORONEY, "JOHN" DREYER, WILLIAM CULLEN and "JOHN" NUGENT, improperly induced and/or intimidated the victim and/or witnesses into false statements implicating the plaintiff.

14. That defendant THE CITY OF NEW YORK, its agents and/or employees and defendants SHANE ROGERS, MITCHELL GEIST, THOMAS FARRELL, KEVIN MORONEY, "JOHN" DREYER, WILLIAM CULLEN and "JOHN" NUGENT, failed to question the victim properly, completely and fully, and particularly when the victim was not impaired by injury.

15. That defendant THE CITY OF NEW YORK, its agents and/or employees and defendants SHANE ROGERS, MITCHELL GEIST, THOMAS FARRELL, KEVIN MORONEY, "JOHN" DREYER, WILLIAM CULLEN and "JOHN" NUGENT, failed to re-question the victim and/or witnesses.

16. That said victim informed the police including defendant police officers and/or District Attorney's Office that plaintiff was not the shooter but an innocent bystander running from the shooter.

17. That defendant THE CITY OF NEW YORK, its agents and/or employees and defendants SHANE ROGERS, MITCHELL GEIST, THOMAS FARRELL, KEVIN MORONEY, "JOHN" DREYER, WILLIAM CULLEN and "JOHN" NUGENT, failed to properly and timely investigate the illegal crime.

18. That defendant THE CITY OF NEW YORK, its agents and/or employees, failed to timely release plaintiff after discovering plaintiff was innocent.

19. That as a result of the foregoing false imprisonment of this plaintiff, he sustained mental distress, anguish, humiliation and embarrassment, deprivation of liberty and was unable to attend to his usual and customary duties and activities and incurred legal costs, expenses and lost earnings.

**AS FOR THE SECOND CAUSE OF ACTION**  
**IN FAVOR OF PLAINTIFF DARRELL LAWRENCE**

20. Plaintiff repeats, reiterates and realleges each and every allegation as contained in paragraphs numbered 1 through 19 of the verified complaint with the same force and effect as if more fully set forth herein at length herein.

21. That defendant, THE CITY OF NEW YORK, respectively, through the police commissioner, as a municipal policy maker, in the hiring, training and supervision of the respective defendant police officers as named herein, have pursued a policy and custom of deliberate indifference to the rights of persons in their domain, and violated plaintiff's right to freedom from deprivation of liberty without due process of law in violation of the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. §1983 and 42 U.S.C. §1985.

22. That as a direct and proximate result of the aforementioned policy and custom of deliberate indifference of the defendant THE CITY OF NEW YORK, respectively, the aforesaid defendant police officers as named herein committed the unlawful acts referred to above and thus defendant THE CITY OF NEW YORK, respectively, are liable for plaintiff's injuries.

23. That by reason of the foregoing, plaintiff has been damaged in an amount which exceeds the monetary jurisdictional limits of any and all lower Courts which would otherwise have jurisdiction herein, said amount to be determined upon the trial.

**AS FOR THE FOURTH CAUSE OF ACTION**  
**IN FAVOR OF PLAINTIFF DARRELL LAWRENCE**

24. Plaintiff repeats, reiterates and realleges each and every allegation as contained in paragraphs numbered 1 through 23 of the verified complaint with the same force and effect as if more fully set forth herein at length herein.

25. That defendant THE CITY OF NEW YORK, respectively, had a legal and/or lawful duty to properly train and supervise its employees, agents and/or servants employed as police officers, in the proper techniques and protocol in engaging in all activities and circumstances related to and associated with their respective scope and duties as police officers in the City of New York.

26. That the aforesaid unlawful, illegal and improper acts of the abovementioned defendant police officers were caused solely by reason of the negligence and carelessness of respective defendant THE CITY OF NEW YORK in employing and retaining in its employ, dangerous, troublesome, incompetent, untrustworthy and rogue persons, who they knew, or should have known were a source of danger or menace to the

lives, liberty and freedom of those persons lawfully present in the County of Bronx, City and State of New York.

27. That defendant THE CITY OF NEW YORK, respectively, their agents, servants and/or employees failed to exercise reasonable care in the hiring, training, disciplining, supervising and retention of the aforesaid individual police officers herein mentioned.

28. That by reason of the foregoing, plaintiff has suffered injuries and damages as aforesaid and defendant, THE CITY OF NEW YORK, respectively, is liable for such injuries and damages.

29. That by reason of the foregoing, plaintiff has been damaged in an amount which exceeds the monetary jurisdictional limits of any and all lower Courts which would otherwise have jurisdiction herein, said amount to be determined upon the trial of this action.

**AS FOR THE FIFTH CAUSE OF ACTION**  
**IN FAVOR OF PLAINTIFF DARRELL LAWRENCE**

30. Plaintiff repeats, reiterates and realleges each and every allegation as contained in paragraphs numbered 1 through 29 of the verified complaint with the same force and effect as if more fully set forth herein at length herein.

31. That defendants prolonged the prosecution of the plaintiff when it was known and should have been known that plaintiff was an innocent man.

32. Upon information or belief, on or about October 20, 2012 and from that time until the dismissal of charges on or about February 3, 2015, Defendants, their agents and/or employees, deliberately and maliciously prosecuted plaintiff an innocent man

without probably cause, by filing or causing a complaint to be filed in Criminal Court of the City of New York, Bronx County, for the purpose of falsely accusing Plaintiff of violation of the criminal laws of the State of New York.


33. The defendants, their agents and/or employees failed to take reasonable steps to prevent and/or stop the prosecution of plaintiff and instead maliciously and deliberately provided false and/or incomplete information to the District Attorney's office to include the prosecution of Plaintiff.

34. That the commencement of these criminal proceedings was malicious and began and continued in malice and without probable cause, so that the proceeding could succeed by Defendants.

35. As a result of the aforesaid, plaintiff was deprived of his liberty for over two (2) years and suffered the humiliation, mental anguish, indignity and frustrations of an unjust and malicious criminal prosecution, and seeks damages.

WHEREFORE, plaintiff demands judgment against defendants for the First, Second, Third and Fourth Causes of Action for a sum of money in excess of the jurisdictional limits of any lower Court which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: Bronx, New York  
October 26, 2015

  
By: Neil R. Kafko, Esq.  
KAFKO SCHNITZER, LLP  
*Attorneys for Plaintiff*  
7 Hugh J. Grant Circle  
Bronx, New York 10462  
(718) 319-8902

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)

) ss.:

COUNTY OF BRONX )

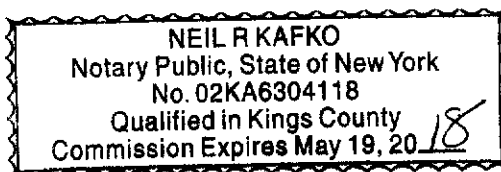
I, the undersigned, being duly sworn, deposes and say: I am the plaintiff in the action; I have read the foregoing Summons & Complaint and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

x Donald Lewin

Sworn to before me on this 30<sup>th</sup>  
day of Sept., 2015

Neil R Kafko

Notary Public





Index No.:  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

---

DARRELL LAWRENCE,

Plaintiff,

- against -

THE CITY OF NEW YORK, SHANE ROGERS, MITCHELL GEIST, THOMAS  
FARRELL, KEVIN MORONEY, "JOHN" DREYER, WILLIAM CULLEN and "JOHN"  
NUGENT,

Defendants.

---

**SUMMONS & VERIFIED COMPLAINT**

---

KAFKO SCHNITZER, LLP  
*Attorneys for Plaintiff*  
7 Hugh J. Grant Circle  
Bronx, NY 10462  
(718) 319-8902

---

TO:

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

---

Attorney(s) for

---

Please take notice

\_\_\_ Notice of entry

that the within is a (certified) true copy of a

duly entered in the office of the clerk of the within named court on , 20

\_\_\_ Notice of settlement

That an order of which the within is a true copy will be presented for settlement to the

HON. one of the judges of the within named court, at

on 20 at M.

Dated:

Yours, etc.,  
KAFKO SCHNITZER, LLP  
*Attorneys for Plaintiff*  
7 Hugh J. Grant Circle  
Bronx, New York 10462  
(718) 319-8902